

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, et al.,)	
)	
Defendants.)	Trial by Jury Demanded

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COMES NOW Defendants Foster, Johnson, Gray, Moffett, and Sagers, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting Defendants' counsel the right to depose an incarcerated party:

1. Jimmy Lewis ("Plaintiff") is an inmate incarcerated at the Delaware Correctional Center, Smyrna, Delaware.
2. Counsel for Defendants Foster, Johnson, Gray, Moffett, and Sagers wish to depose Plaintiff on October 4, 2006.
3. Federal Rule of Civil Procedure 30(a)(2) requires leave of the Court to depose an incarcerated party.
4. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiff on October 4, 2006.

WHEREFORE Defendants Foster, Johnson, Gray, Moffett, and Sagers respectfully request that this Honorable Court grant Defendants leave to depose Plaintiff on October 4, 2006.

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STATE OF DELAWARE
DEPARTMENT OF JUSTICE

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Dated: July 28, 2006